

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

Joanna Burke

Plaintiff

vs.

Deutsche Bank National Trust Company, PHH )  
Mortgage Corporation, AVT Title Services, )  
LLC, Mackie Wolf Zientz & Mann, PC, Judge )  
Tami Craft aka Judge Tamika Craft-Demming, )  
Judge Elaine Palmer, Sashagaye Prince, Mark D )  
Hopkins, Shelley L Hopkins, Hopkins Law, )  
PLLC, John Doe, and/or Jane Doe )

Defendants

) **CIVIL ACTION No.**

) **4:24-cv-00897**

) United States Courts  
) Southern District of Texas  
) FILED

) *December 05, 2024*

) Nathan Ochsner, Clerk of Court

**MOTION FOR LEAVE TO FILE FIRST AMENDED VERIFIED SURREPLY TO PHH  
MORTGAGE CORPORATION'S MOTION FOR SUMMARY JUDGMENT**

**TO THE HONORABLE JUDGE, AND ALL INTERESTED PARTIES:**

Plaintiff, appearing pro se, respectfully submits this motion for leave to file her first amended verified surreply to Defendant PHH Mortgage Corporation's Motion for Summary Judgment. Although Plaintiff is uncertain whether a formal motion is necessary, Defendant's motion presents a significant procedural deficiency that Plaintiff wishes to address. Specifically, Defendant's motion exceeds the local rule's 5,000-word limit by 147%, totaling 7,330 words, in violation of federal and local court rules. As of this date, the Court has not stricken the motion despite this violation.

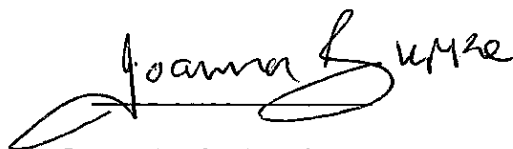
See Court Procedures, Hon. Charles R. Eskridge III, at 18c; *Cole v. Sandel Med. Ind., L.L.C.*, 413 F. App'x 683, 688 (5th Cir. 2011) ("On March 31, the district court struck Sandel's motion for summary judgment for failure to comply with the local rule limiting such filings to ten pages."); *Whatley v. CreditWatch Servs., Ltd.*, No. 4:11CV493, at \*1 (E.D. Tex. July 13, 2012) ("Plaintiff has also filed a motion seeking leave to file a summary judgment response in excess of the page limits."). In this case, Defendant has filed no such motion seeking leave to exceed the page limit.

Erring on the side of caution and in full compliance with local rules and court procedures, Plaintiff seeks leave from this Court to file the attached first amended verified surreply. To the extent the surreply exceeds ten pages, Plaintiff requests permission for the filing of the excess pages. The surreply is necessary to address arguments raised for the first time in Defendant's latest filing, which have not been previously discussed and are critical to the resolution of this matter.

### CONCLUSION

For the reasons set forth above, Plaintiff respectfully requests that the Court grant leave to file the attached verified surreply and, if necessary, allow for the excess pages. Additionally, to the extent the Court maintains jurisdiction in these proceedings, Plaintiff further requests that the Court DENY Defendant's Motion for Summary Judgment. A proposed order is enclosed.

RESPECTFULLY submitted this 20th day of November, 2024.

A handwritten signature in black ink, appearing to read "Joanna Burke", with a stylized flourish extending from the bottom left.

Joanna Burke, Harris County  
State of Texas / Pro Se

46 Kingwood Greens Dr  
Kingwood, Texas 77339  
Phone Number: (281) 812-9591  
Fax: (866) 705-0576  
Email: joanna@2dobermans.com

### **CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7.1, I attest to conferring by emailing counsel for all the parties in these proceedings on Wednesday, Nov. 20, 2024 a copy of this filing, and asked if they were opposed. At the time of preparing for print and posting, no response has been received. It is assumed that Defendants are opposed.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on November 20, 2024 as stated below on the following:

#### **VIA U.S. Mail:**

Nathan Ochsner  
Clerk of Court  
P. O. Box 61010  
Houston, TX 77208

#### **VIA e-Mail:**

Shelley L. Hopkins  
Mark D. Hopkins  
HOPKINS LAW, PLLC  
2802 Flintrock Trace, Suite B103  
Austin, Texas 78738  
mark@hopkinslawtexas.com  
shelley@hopkinslawtexas.com

PHH MORTGAGE CORPORATION

A handwritten signature in black ink, appearing to read "Joanna Burke", is written over a horizontal line.

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State of Texas / Pro Se

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Kingwood, Texas 77339  
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Fax: (866) 705-0576  
Email: joanna@2dobermans.com